



**U.S. Citizenship
and Immigration
Services**

**Non-Precedent Decision of the
Administrative Appeals Office**

In Re: 6197297

Date: OCT. 15, 2020

Appeal of Texas Service Center Decision

Form I-140, Immigrant Petition for Alien Worker (Extraordinary Ability)

The Petitioner, a chief marketing officer, seeks classification as an individual of extraordinary ability. *See* Immigration and Nationality Act (the Act) section 203(b)(1)(A), 8 U.S.C. § 1153(b)(1)(A). This first preference classification makes immigrant visas available to those who can demonstrate their extraordinary ability through sustained national or international acclaim and whose achievements have been recognized in their field through extensive documentation.

The Director of the Texas Service Center denied the petition, concluding that the Petitioner had met only two of the ten initial evidentiary criteria for this classification, of which he must meet at least three. The Director further determined that the Petitioner did not establish that he seeks to enter the United States to continue to work in his area of extraordinary ability.

The matter is now before us on appeal. U.S. Citizenship and Immigration Services (USCIS) records indicate that, after filing this appeal, the Petitioner filed a new Form I-140 requesting the same immigrant classification. USCIS approved that petition on July 12, 2019.

On May 22, 2020, we issued a notice of intent to dismiss and request for evidence (NOID/RFE). We informed the Petitioner that we intended to dismiss his appeal, as the issues raised appear to have been rendered moot by the approval of the subsequent petition granting him classification as an alien of extraordinary ability. We requested that the Petitioner respond with a letter indicating whether he intends to pursue or withdraw this appeal. We also advised that we may dismiss the appeal if we did not receive a response within 87 days of the date on our notice.

As of the date of this decision, the Petitioner has not responded to our NOID/RFE. Accordingly, we will dismiss the appeal as the issues raised have been rendered moot and because the Petitioner did not submit a response to our NOID/RFE. *See* 8 C.F.R. § 103.2(b)(13).

ORDER: The appeal is dismissed.